

# NOTICE OF RECEIPT WATER RIGHT APPLICATION

(Pursuant to Section § 85-2-307(1), MCA)

Summarized below are the application details as described in an Application to Change of Appropriation Water Right received by the Department of Natural Resources & Conservation on MARCH 10, 2022. This notice reflects the application details only as originally submitted. The notice does not reflect changes to the application details made during the review process.

Application Number:

40A 30155100

Applicant:

JESSE T MERRITT  
104 MOUNTAIN BROOK RD  
LIVINGSTON, MT 59047 8941  
  
COONEY BROTHERS FAMILY PARTNERSHIP  
PO BOX 1905  
HARLOWTON, MT 59036 1905  
  
COONEY, CAVAN SPENCER LLC  
PO BOX 626  
HARLOWTON, MT 59036 0626

**WATER RIGHT NUMBER(S) BEING CHANGED**

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM	40A-113145	JUNE 1, 1899

**PAST USE OF WATER**

STATEMENT OF CLAIM NO. 40A 113145 IS CURRENTLY LISTED WITH A 5 CFS FLOW RATE DIVERTED FROM A FISH CREEK HEADGATE IN THE SWSWSW SECTION 19 T6N R16E. THE CLAIMED PRIORITY DATE IS JUNE 1, 1899 WITH A PERIOD OF USE FROM APRIL 15 TO OCTOBER 15 TO IRRIGATE 236 ACRES IN SECTIONS 19, 20 & 21 T6N R16E, ALL IN WHEATLAND COUNTY.

**PROPOSED CHANGE**

APPLICANT PROPOSES TO CHANGE THE PLACE OF USE FOR STATEMENT OF CLAIM NO. 40A 113145. THE CHANGE WILL ALLOW APPLICANT TO CONVERT THE WATER ASSOCIATED WITH 236 ACRES OF HISTORICAL FLOOD IRRIGATION TO 289 ACRES OF PROPOSED PIVOT IRRIGATION.

In general, the department will make a preliminary determination to grant or deny this application within 120 days of the date the application is deemed correct and complete. That date is currently unknown. If the preliminary determination is to grant the application, the application will be published in the local newspaper and a notice will be sent to appropriators who, according to the department records may be affected by the proposed appropriation. Individuals will have at least 15 days and no more than 60 days (specific deadline will be identified at time of notice) to submit an objection under § 85-2-308, MCA, after the application has been published in the newspaper.

Direct questions regarding this application to the Water Resources Regional Office, 613 NE MAIN, SUITE E, LEWISTOWN, MT 59457-2020 PHONE: 406-538-7459